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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 09/745,205 | 12/21/2000 | Benoit Pol Menez | PU000178 | 8043 |

7590 06/02/2003

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EXAMINER

ABDI, KAMBIZ

ART UNIT

PAPER NUMBER

3621

DATE MAILED: 06/02/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

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Office Action Summary

Applicati n No.

09/745,205

Applicant(s)

MENEZ ET AL.

Examiner

Kambiz Abdi

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 March 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6, 8, 11 and 12 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) 1-6, 8, and 11-12 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

1. The text of those sections of Title 35, U.S. Code not included in this section can be found in the prior office action.

2. The prior office action is incorporated herein by reference. In particular, the observations with respect to claim language. Claim objection of previous office action is withdrawn in view of the amendments to claim 1.

Claims 1, 3, 5, 6, and 8 have been amended.

Claims 7 and 9-10 have been canceled.

Claims 11-12 have been added.

Claims 1-6, 8, and 11-12 are pending.

Response to Arguments

7. Applicant's arguments filed 13 March 2003 have been fully considered but they are not persuasive for the following reasons:

Applicant has put forward the argument that Urakoski does not teach the multiple inputs for a user.

Applicants admit that Urakoski does teach the element of multiple entries of limits. Examiner takes the admission of the applicant that Urakoski has at least two price range entries one lower and one higher as being multiple entries of ranges presented in the claims. In addition Urakoski discloses a system that clearly teaches all the limitations of amended claims as they have been presented. Urakoski can be easily used for a single user with multiple entries for multiple time limits (See Urakoski figures 3, 4, 5 and associated texts, as well as column 4, lines 3-68, and column 5, lines 1-58). As in Urakoski one can easily use the same system to control multiple accounts for multiple people as it is clearly stipulated by Urakoski in column 4, lines 25-63, it clearly discusses the situation that children are using the same system and parents do create a spending limit for a certain period of time. Urakoski teaches the means of multiple entries of limits and times and assigned them to the same person.

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Examiner believes that the claims as they have been put forward are not distinctly patentable over the prior art of record. Examiner retains the rejection in addition to the argument that has been put forward above by the examiner.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) The invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

2. Claims 1-5 and 7-12 are rejected under 35 U.S.C. 102 (e) being anticipated by Akira Urakoshi, U.S. Patent No. 6,067,564.

3. As per claims 1 and 11, Urakoshi discloses;

A method for processing user programming request, comprising the steps of:

- detecting a user request (See Urakoshi Abstract, column 1, lines 57-68, column 2, lines 9-30, column 3, lines 50-56, column 4, lines 3-68, and column 5, lines 1-58);
- providing an entry for a time period based user spending limit, in respond to the 5user request;
- receiving the entry (See Urakoshi Abstract, column 1, lines 57-68, column 2, lines 9-30, column 3, lines 50-56, column 4, lines 3-68, and column 5, lines 1-58); and
- tracking user spending during the time period (See Urakoshi Abstract, column 1, lines 57-68, column 2, lines 9-30, column 3, lines 50-56, column 4, lines 3-68, and column 5, lines 1-58).

4. As per claim 2, Urakoshi discloses all the limitations of claim 1, further;

Urakoshi discloses,

- the step of providing a selection for a rolling time period (See Urakoshi abstract, column3, lines 50-56, column 4 lines 64-68, and column 5, lines 1-3 and 50-58).

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5. As per claim 3, Urakoshi discloses all the limitations of claim 1, further;

Urakoshi discloses,

- of generating a user warning when the user spending exceeds the time period based user spending limit entered (See Urakoshi abstract, and column 5, lines 40-49).

6. As per claim 4, Urakoshi discloses all the limitations of claim 3, further;

Urakoshi discloses,

- comprising the step of allowing the user to override the user spending limit (See Urakoshi column 4, lines 17-63).

7. As per claims 5 and 12, Urakoshi discloses;

- A method for processing user programming request, comprising the steps of: detecting a user request (See Urakoshi Abstract, column 1, lines 57-68, column 2, lines 9-30, column 3, lines 50-56, column 4, lines 3-68, and column 5, lines 1-58);
- providing a plurality of spending limit entries each corresponding to a time period, in respond to the user request (See Urakoshi Abstract, column 1, lines 57-68, column 2, lines 9-30, column 3, lines 50-56, column 4, lines 3-68, and column 5, lines 1-58);
- receiving one or more of the selected spending limit entries; and tracking user spending during each of the selected time period (See Urakoshi Abstract, column 1, lines 57-68, column 2, lines 9-30, column 3, lines 50-56, column 4, lines 3-68, and column 5, lines 1-58).

8. As per claim 8, Urakoshi discloses all the limitations of claim 5, further;

Urakoshi discloses,

- providing the option of counting the selected time period on a rolling basis (See Urakoshi abstract, column 2, lines 9-30, column 3, lines 51-56, column 4, lines 3-68, and column 5, lines 1-58).

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Claim Rejections - 35 USC § 103

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Akira Urakoshi, U.S. Patent No. 6,067,564.

11. As per claim 6, Urakoshi discloses all the limitations of claim 5.

But Urakoshi does not clearly specify, performing a check to see if a spending limit for a shorter time period is greater than a spending limit entry for a longer time period; and providing a user warning if otherwise. However, it is an obvious practice to keep track of multiple accounting of spending limits and associated time periods in these type or other accounting systems that have a limited time to spend or use the allocated fund, as it has been clearly stated in Urakoshi's specification. Accordingly, it would have been obvious to one having ordinary skill in the art at the time the current invention was made to make a comparison of the effective time periods in relation to spending limits for more efficient budgeting/spending of funds as well as overall control of funds spent in accordance to fund limits.

Conclusion

12. Examiner has pointed out particular references contained in the prior arts of record in the body of this action for the convenience of the applicant. Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant, in preparing the response, to consider fully the entire references as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior arts or disclosed by the examiner.

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13. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kambiz Abdi whose telephone number is (703) 305-3364. The examiner can normally be reached on 9:30 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James P. Trammell can be reached on (703) 305-9768.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Receptionist whose telephone number is (703)308-1113.

Any response to this action should be mailed to:

**Commissioner of Patents and Trademarks
Washington D.C. 20231**

or faxed to:

(703) 305-7687 [Official communications; including After Final communications labeled "Box AF"]

(703) 746-7749 [Informal/Draft communications, labeled "PROPOSED" or "DRAFT"]

Hand delivered responses should be brought to:

**Crystal Park 5, 2451 Crystal Drive
7th floor receptionist, Arlington, VA, 22202**

**Abdi/K
May 28, 2003**


**JAMES P. TRAMMELL
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600**